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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERTO GARIBAY,

Defendant.

CASE NO. 2:24-CR-0067 DAD

STIPULATION REGARDING RESETTING OF
STATUS CONFERENCE AND EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 22, 2024 at 9:30 a.m. and time is
excluded through October 22, 2024
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

The United States of America, by and through Assistant United States Attorney Kerry Blackburn, together with Preciliano Martinez, counsel for defendant Alberto Garibay, hereby stipulate as follows:

1. The Indictment was returned on March 21, 2024, and the Honorable John A. Mendez assigned.

2. By previous order, on March 26, 2023, this matter was set for status on May 21, 2024, with an exclusion of time, under Local Code T4.

3. On April 17, 2024, the matter was reassigned to the Honorable Dale A. Drozd, the status conference was vacated, and the United States was directed to reschedule the status conference.

1 4. By previous order, the status conference was reset for September 24, 2024, with an
2 exclusion of time, under Local Code T4.

3 5. On stipulation, the Government and Defense Counsel move to continue the status
4 conference until October 22, 2024.

5 6. The Government and Defense Counsel stipulate to exclude time between September 24,
6 2024, and October 22, 2024 at 9:30 a.m. and time is excluded through October 22, 2024, under Local
7 Code T4.

8 7. The Government and Defense Counsel agree and stipulate, and request that the Court find
9 the following:

10 a) The discovery associated with this case includes law enforcement reports, lab
11 reports, search warrants, and photographs. Disclosure of these items were made to Defense
12 Counsel. There is a telephone that was seized from Defendant at the time of arrest that has not
13 yet been searched. The parties have discussed possible resolution and discussed additional
14 information about the case that needs to be related to the Defendant.

15 b) Defense Counsel desires additional time to consult with his client, to review
16 discovery for this matter, and to otherwise prepare for trial.

17 c) Defense Counsel believes that failure to grant the above-requested continuance
18 would deny him the reasonable time necessary for effective preparation, taking into account the
19 exercise of due diligence.

20 d) The Government does not object to the continuance.

21 e) Based on the above-stated findings, the ends of justice served by continuing the
22 case as requested outweigh the interest of the public and the Defendant in a trial within the
23 original date prescribed by the Speedy Trial Act.

24 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
25 et seq., within which trial must commence, the time period of September 24, 2024, to October
26 22, 2024 at 9:30 a.m. and time is excluded through October 22, 2024 inclusive, is deemed
27 excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from
28 a continuance granted by the Court at Defense Counsel's request on the basis of the Court's

finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 17, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ Kerry Blackburn
Kerry Blackburn
Assistant United States Attorney

Dated: September 18, 2024

/s/ Preciliano Martinez
PRECILIANO MARTINEZ
Counsel for Defendant
ALBERTO GARIBAY

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the status conference scheduled for September 24, 2024, is continued to October 22, 2024 at 9:30 a.m. and time is excluded through October 22, 2024, under Local Code T4.

IT IS SO ORDERED.

Dated: September 19, 2024

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE